



and seriousness of the danger to any person or the community should the person be released.”

1 *United States v. Chen*, 820 F. Supp. 1205, 1207 (N.D. Cal. 1992).

2 **B. Nature and Circumstances of Offense Charged**

3 Torosyan is charged with three separate felony offenses, including conspiracy, production  
4 and use of counterfeit access devices, and aggravated identity theft. Although these charges do  
5 not involve drugs or guns, the allegations demonstrate an ability to manufacture counterfeit  
6 identity devices that could be used to quickly produce revenue and travel documents. Torosyan  
7 could more easily abscond than other criminal defendants. Moreover, Torosyan faces significant  
8 prison time if convicted on these charges. *See United States v. Parodi*, No. CR-08-0083 PJH,  
9 2008 WL 683421, at \*2 (N.D. Cal. Mar. 7, 2008) (a “defendant’s financial condition and the  
10 length of sentence he or she faces are of particular importance in assessing the risk of flight”).  
11 This factor weighs against his release.

12 **C. Weight of Evidence Against Defendant**

13 This factor “is the least important of the various factors.” *United States v. Motamedi*, 767  
14 F.2d 1403, 1408 (9th Cir. 1985). Thus, “[a]lthough the [bail reform] statute permits the court to  
15 consider the nature of the offense and the evidence of guilt, the statute neither requires nor  
16 permits a pretrial determination that the person is guilty.” *Id.* (citations omitted). Magistrate  
17 Judge Leen’s order and the Government’s opposition to the motion demonstrate a significant  
18 amount of evidence supporting the charges that Torosyan engaged in a lengthy, sophisticated  
19 scheme to steal information, create counterfeit devices, and steal. ECF Nos. 24, 30. This factor  
20 favors detention.

21 **D. History and Characteristics of Defendant**

22 Under 18 U.S.C. § 3142(g)(3), courts may consider “the history and characteristics of the  
23 person, including his character, physical and mental condition, family ties, employment,  
24 financial resources, length of residence in the community, community ties, past conduct, history  
25 relating to drug and alcohol abuse, criminal history, [and] record concerning appearance at court  
26 proceedings.” *Motamedi*, 767 F.2d at 1407.

Torosyan has two prior felony convictions for a similar type of offense of identity theft, and he was on probation at the time of the events charged here. Thus, he has a demonstrated proclivity to engage in acts that are financially dangerous to the community. Moreover, Torosyan was found in possession of a weapon, ammunition, and handcuffs, in violation of conditions of his probation. Torosyan is an Armenian citizen and presumably faces deportation should he be convicted. He faces significant prison time, he has a history of offenses involving identity theft, he has knowledge about and an ability to manufacture counterfeit identity devices, and he possessed a weapon despite being prohibited from doing so. He is a danger to the community and a flight risk. Factor three weighs against his release.

**E. Nature and Seriousness of Danger Posed by Defendant's Release**

Torosyan points out that he did not abscond or commit violent acts during the several months between the time the search warrants were executed and his arrest. However, his history of crimes involving identity theft show that he is an economic threat to the community. In addition, although he is not charged with being a felon in possession of a firearm, his possession of a weapon at the time of his arrest, in violation of the law and of his probation, presents a danger to the community.

**F. Conclusion.**

I find by clear and convincing evidence that Torosyan is a danger to the community. I also find by a clear preponderance of the evidence that Torosyan is a flight risk. *Motamedi*, 767 F.2d at 1406. There are no conditions or combination of conditions that I could fashion that would reasonably protect the community against the risk of danger posed by Torosyan or assure his appearance at future court proceedings.

Torosyan's objection/appeal (**ECF No. 23**) is **denied**. Magistrate Judge Leen's order of detention (**ECF No. 24**) is **affirmed**. Torosyan shall remain detained pending trial

DATED this 21<sup>st</sup> day of June, 2016.

  
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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE